

12. (Amended) An isolated polynucleotide comprising a contiguous stretch of at least [about] 130 nucleotides of [at least] any one of SEQ ID NO:9-18.

14. (Twice Amended) An isolated polynucleotide of at least [about] 60 nucleotides capable of hybridizing to a polynucleotide [of Claim 3 or 10] consisting of a sequence of at least 60 nucleotides of any one of SEQ ID NOS:10-12, 15, 16 under high stringency conditions, said conditions comprising incubating at 65°C in 0.5M NaHPO<sub>4</sub>, 7% sodium dodecyl sulfate (SDS), 1mM EDTA and washing at 68°C in 0.1xSSC and 0.1% SDS.

### **REMARKS**

Claims 3, 10, 11, 12, 13, and 14 are pending in the instant application. Claims 3, 10, 11, 12 and 14 have been amended to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. The amendment is supported by the originally filed specification and claims. No new matter has been added.

The Examiner stated in the Notification of Non-Compliance with 37 C.F.R. § 1.192(c) dated November 4, 2002 that the subsegment or contiguous stretch limitations as well as high stringency conditions disclosures in claim 14 are lacking in the Summary of the Invention of the Brief filed August 15, 2002 and are especially critical to the lack of written description issue. Applicants point out that the subsegment or contiguous stretch limitations of claim 14 is supported at page 14, lines 7-15 of the substitute specification submitted along with the Amendment filed May 21, 2001 and page 16, lines 6-14 of the original specification filed October 27, 1999. The high stringency conditions of claim 14 is supported, *inter alia*, at page 12, lines 6-10 of the substitute specification; and page 13, line 29 to page 14, line 3 of the original specification.

In the Advisory Action dated June 10, 2002, the Examiner states:

Applicants argue that the gene trapping method as discussed causes the survival and propagation of teratocarcinoma cells with only one non-disrupted allele and thus indicates that these loci are preselected for transfection involving gene functions largely in later stages of cell differentiation and development. In response these are allegations without factual support regarding gene function. . . . Applicants have not supplied any scientific logic, much less results, to support any relationship between trapped genes as to survival or differentiation, or, for essentiality of gene function. . . . fail to establish any link between the claimed invention as any of these characteristics.